

IN THE SENATE

SENATE BILL NO. 1388

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE STATE APPELLATE PUBLIC DEFENDER; APPROPRIATING MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING REQUIREMENTS FOR THE PAYMENT OF OUTSIDE COUNSEL COSTS; PROVIDING REQUIREMENTS FOR THE PAYMENT OF CAPITAL REPRESENTATION COSTS; PRESCRIBING DEFENDING ATTORNEY SALARY INCREASES; REQUIRING A REPORT FOR DEFENDING ATTORNEY SALARY INCREASES; APPROPRIATING ADDITIONAL MONEYS TO THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Appellate Public Defender the following amounts to be expended according to the designated programs and expense classes from the listed fund for the period July 1, 2022, through June 30, 2023:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER:				
FROM:				
General				
Fund	\$2,870,800	\$342,700	\$73,100	\$3,286,600
II. CAPITAL AND CONFLICT REPRESENTATION:				
FROM:				
General				
Fund		\$260,800		\$260,800
GRAND TOTAL	\$2,870,800	\$603,500	\$73,100	\$3,547,400

SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519, Idaho Code, the State Appellate Public Defender is authorized no more than twenty-five (25.00) full-time equivalent positions at any point during the period July 1, 2022, through June 30, 2023, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. OUTSIDE COUNSEL COSTS. Notwithstanding any other provision of law to the contrary, of the amount appropriated in Section 1 of this act

1 for the Capital and Conflict Representation Program, \$165,900 from the Gen-
2 eral Fund, or so much thereof as is necessary, shall be used solely to pay
3 outside counsel for noncapital appeals in which a concurrent conflict of in-
4 terest is identified and only to the extent such costs are exclusive of, and
5 can be identified and accounted for separately and distinctly from, capital
6 representation costs. Any remaining unexpended and unencumbered amounts
7 not so used shall revert to the General Fund.

8 SECTION 4. CAPITAL REPRESENTATION COSTS. Notwithstanding any other
9 provision of law to the contrary, of the amount appropriated in Section 1 of
10 this act for the Capital and Conflict Representation Program, \$94,900 from
11 the General Fund, or so much thereof as is necessary, shall be used solely for
12 costs directly related to the provision of representation in capital cases
13 and only to the extent such costs are exclusive of, and can be identified
14 and accounted for separately and distinctly from, outside counsel costs of
15 noncapital appeals. Any remaining unexpended and unencumbered amounts not
16 so used shall revert to the General Fund.

17 SECTION 5. DEFENDING ATTORNEYS SALARY INCREASES. Of the additional
18 amount appropriated for compensation in Section 1 of this act, a minimum of
19 \$164,900 shall be used for salary and benefits increases for State Appellate
20 Public Defenders.

21 SECTION 6. DEFENDING ATTORNEYS REPORTING. The State Appellate Public
22 Defender shall report to the Joint Finance-Appropriations Committee by De-
23 cember 31, 2022, regarding its use of funds as prescribed in Section 5 of this
24 act.

25 SECTION 7. In addition to the appropriation made in Section 1, Chap-
26 ter 77, Laws of 2021, and any other appropriation provided by law, there is
27 hereby appropriated to the State Appellate Public Defender for the Capital
28 and Conflict Representation Program \$98,000 from the General Fund to be ex-
29 pended for operating expenditures for the period July 1, 2021, through June
30 30, 2022, for the purpose of extraordinary representation costs.

31 SECTION 8. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after its
33 passage and approval.